

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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| Tommy Pililimis, Plaintiff, v. Simon, Eichler & Associates, LLC c/o Vincent Cignarale 250 Delaware Ave, Suite 33 Buffalo, NY 14202 and Christopher Hess 733 Delaware Road, Suite 255 Tonawanda, NY Defendants. | Case No. COMPLAINT Jury Demand Requested |
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Now comes Plaintiff, by and through her attorneys, and, for her Complaint, alleges as follows:

JURISDICTION AND VENUE

- 1- This court has jurisdiction pursuant to 28 U.S.C. §§1331, 1337, 1367; and 15 U.S.C. §1692k(d).
- 2- Venue is proper because a substantial part of the events giving rise to this claim occurred in this District.

PARTIES

- 3- Plaintiff incurred an obligation to pay money, the primary purpose of which was for personal, family, or household uses (the "Debt").
- 4- Plaintiff is a resident of the State of Illinois.

- 5- Defendant Simon Eichler & Assocaites, LLC (SEA) is a corporation with its principal office in the State of New York.
- 6- Defendant Christopher Hess (Hess) is, upon information and belief, the manager, owner, and/or operator of Defendant SEA.
- 7- Unless expressly specified otherwise, the term "Defendant" as used herein, shall collectively refer to Defendants SEA and Hess.
- 8- Defendant uses instruments of interstate commerce for its principal purpose of business, which is the collection of debts.
- 9- Defendant regularly attempts to collect, or attempts to collect, debts owed or due another.
- 10- At all times relevant, Defendant owned the Debt or was retained to collect the Debt.

FACTS COMMON TO ALL COUNTS

- 11- In 2011, Plaintiff filed a voluntary bankruptcy petition.
- 12- On or around November 20, 2012, Defendant telephoned Plaintiff to collect the Debt and left a voicemail.
- 13- During this communication, Defendant failed to disclose that the communication was from a debt collector.
- 14- During this communication, Defendant falsely represented that there was legal action pending against Plaintiff.
- 15- During this communication, Defendant falsely represented that it mailed legal documents to Plaintiff's address.
- 16- During this communication, Defendant falsely represented that Plaintiff was waiving his legal rights by failing to contact Defendant.

17- At the time of these communications, Defendant knew, or should have known, that

Plaintiff filed bankruptcy.

18- On or around December 3, 2012, Defendant telephoned Plaintiff to collect the Debt and left a voicemail.

19- During this communication, Defendant failed to disclose that the communication was from a debt collector.

20- On or around December 12, 2012, Defendant telephoned Plaintiff to collect the Debt and left a voicemail.

21- During this communication, Defendant failed to disclose that the communication was from a debt collector.

22- During this communication, Defendant falsely implied that there was legal action pending against Plaintiff.

23- Defendant damaged Plaintiff.

24- Defendant violated the FDCPA.

COUNT I

25- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

26- Defendant violated 15 USC §1692e(10) by using false representation or deceptive means to collect a debt.

COUNT II

27- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

28- Defendant violated 15 USC § 1692f by engaging in unfair and/or unconscionable means to collect, or attempt to collect, a debt.

COUNT III

29- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

30- Defendant violated 15 USC § 1692e(5) by threatening to take action that could not be legally taken at the time.

COUNT IV

31- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

32- Defendant violated 15 USC § 1692e(5) by threatening to take action that Defendant did not intend to take at the time.

COUNT V

33- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

34- Defendant violated 15 USC § 1692e(11) by failing to disclose that a communication was from a debt collector.

JURY DEMAND

35- Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

36- Plaintiff prays for the following relief:

- a. Judgment against Defendant for Plaintiff's actual damages, as determined at trial, suffered as a direct and proximate result Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(1);
- b. Judgment against Defendant for \$1,000 in statutory damages for Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(2)(A);

- c. Judgment against Defendant for Plaintiff's reasonable attorneys' fees and costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3); and
- d. Any other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Meier LLC

By: /s/ Richard J. Meier

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